

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6377 OF 2016

Kavita Gorakh Mhatre ... Petitioner
versus
Prakash Gopinath Bhoir and Ors. ... Respondents

Mr. I.M.Khairdi, for Petitioner.
Mr. Rajesh Patil, for Respondent No.1.
Ms. Molina P. Thakur, AGP, for Respondent-State.

**CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.**

DATE: 6th DECEMBER, 2019

P.C.:

1. After hearing the learned Advocates for the parties, we expressed our view that no relief as sought can be granted at this stage in the above Writ Petition, since in our view it is not clearly established till date that Respondent Nos.1 and 2 have put up illegal constructions as alleged by the Petitioner resulting in their disqualification.
2. The learned Advocate appearing for the Petitioner seeks liberty to make a representation to the Corporation with a prayer to inter alia hold that Respondent Nos.1 and 2 have put up illegal constructions as alleged by the Petitioner and that such representation should be decided by the Corporation at the earliest.
3. Without going into the merits of the allegations made by the Petitioner against Respondent Nos.1 and 2, we direct that if any such representation is made to

Respondent No.3 – Corporation by the Petitioner within a period of four weeks from today, the Corporation shall after hearing the concerned parties, decide the same within a period of four weeks thereafter. However, we once again clarify that the said representation shall be heard and decided strictly on merits.

4. The Writ Petition is accordingly disposed of.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)